

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

13 ANDREW L. MEEKS, II,) 3:10-cv-00474-HDM-VPC
14 Plaintiff,)
15 vs.) ORDER
16 E. PETERMAN, et al.,)
17 Defendants.)

On May 11, 2011, the magistrate judge entered a report and recommendation (#30) granting the defendants' motion to dismiss (#11). Plaintiff objected to the report and recommendation on May 26, 2011 (#31). The defendants' opposed plaintiff's objections on June 6, 2011 (#32). On June 15, 2011, this court entered an order adopting the magistrate judge's report and recommendation (#33).

On June 20, 2011, plaintiff filed a motion to strike the defendants' opposition to his objections to the magistrate judge's report and recommendation (#34). Defendants' opposed the motion to strike on June 22, 2011 (#35). Defendants argue the motion to

1 strike is moot because the court had already adopted the magistrate
2 judge's report and recommendation. Plaintiff did not reply.

3 On July 13, 2011, plaintiff appealed this court's order
4 adopting the magistrate's report and recommendation (#36). On
5 August 10, 2011, plaintiff's appeal was dismissed for lack of
6 jurisdiction (#39). The mandate was filed on September 1, 2011
7 (#40). This court's order on the mandate was filed on September 6,
8 2011 (#41).

9 The court having jurisdiction over this action again hereby
10 DENIES plaintiff's motion to strike (#34) as moot having already
11 adopted the magistrate judge's report and recommendation when the
12 motion to strike was filed.

13 IT IS SO ORDERED.

14 DATED: This 12th day of September, 2011.

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UNITED STATES DISTRICT JUDGE
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